



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PHILLIPS et al. Confirmation No: 4369
Appl. No. : 10/084,683
Filed : February 28, 2002
Title : COMPOSITIONS FOR TREATING MIGRAINE

TC/A.U. : 1617
Examiner : S. Sharareh

Docket No.: : PHIL3004C/REF
Customer No: : 23364

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Richard E. Fichter, represent that I am the attorney of record for the above-identified application.

Glaxo Group Limited (hereinafter referred to as "Assignee") is the owner of the entire right and title to the above-captioned patent application and the invention and improvements therein disclosed for the United States, by virtue of an assignment from the inventors to Glaxo Group Limited dated August 31, 1993, and recorded at Reel 6751 Frame 0758, on August 31, 1993. The assignee is also the owner of the entire right and title to U.S. Patent No. 5,863,559 issued on January 26, 1999, U.S. Patent No. 6,020,001 issued on February 1, 2000, and U.S. Patent No. 6,368,627 issued on April 9, 2002, by virtue of the same assignment from the inventors to Glaxo Group Limited. The present application and the '559, '001 and '627 patents are based on the same initial filing in the United States.

The terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent Numbers 5,863,559, 6,020,001 and 6,368,627, as presently shortened by any terminal disclaimer, is hereby disclaimed. Any patent granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patents shall be the same as the legal title to the U.S. Patent Numbers 5,863,559, 6,020,001 and 6,368,627, this agreement to run with any patent on the above-captioned application to be binding upon the grantee, its successors or assigns.

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Amendment dated: January 9, 2004
Reply to OA of: August 13, 2003

However, no rights available under the provisions of 35 U.S.C. §§155 and 156 are hereby waived.

No terminal part is disclaimed of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of the U.S. Patent Numbers 5,863,559, 6,020,001 and 6,368,627, as presently shortened by any terminal disclaimer, in the event that they later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of their statutory terms, except for the separation of legal title stated above.

The Terminal Disclaimer fee of \$110.00 is submitted herewith. Please charge any additional fees or credit any overpayments in connection with this paper to Deposit Account No. 02-0200. A duplicate copy of this paper is enclosed.

I, Richard E. Fichter, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent.

Respectfully submitted,

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